

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO. 8570 OF 2004

Vinayak Namdeorao Gonnade

.. Petitioner

v/s.

State of Maharashtra & ors.

.. Respondents

Mr.R.K.Mendadkar for the petitioner.

Ms.A.R.S.Bakshi for the respondent Nos.2 and 3.

Mr.C.R.Sonawande, Assistant Government Pleader for
the respondent No.1.

CORAM : R.M. LODHA AND
R.S. MOHITE, JJ.

DATED : 6th April, 2005

P.C.

At the request of the learned counsel for the parties, the writ petition is called out for hearing.

2. By a separate order passed by us today on civil application No.923 of 2005, the petitioner has been permitted to amend the writ petition. By the amendment, the petitioner seeks protection of his employment on the basis of the Government resolution dated 15th June, 1995.

3. The learned counsel for the petitioner submits that petitioner accepts the order of the Caste Scrutiny Committee passed on 11.8.2004 invalidating his claim of Halba-scheduled tribe. He, however,

submits that the petitioner belongs to the caste 'Koshti' and the said caste has been included in the special backward category and by virtue of the Government resolution dated 15th June, 1995, the petitioner is entitled to protection of his employment.

4. The learned counsel for the respondent No.3 (MSEB) submits that if the petitioner furnishes the proof that he belongs to the special backward category, he would be extended benefit of the Government resolution dated 15th June, 1995.

5. In view of the submissions made by the learned counsel for the parties before us, we dispose of the writ petition by the following order:-

(i) The statement made by the learned counsel for the petitioner on behalf of the petitioner that he accepts the order of the Caste Scrutiny Committee dated 11.8.2004 and that the petitioner does not belong to Halba scheduled tribe, is accepted.

(ii) We record and accept the statement of the learned counsel for the petitioner that within four weeks from today, the petitioner shall

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furnish the proof before respondent No.3 that he belongs to special backward category.

(iv) If the petitioner is found to be belonging to the backward class category, we direct the respondent No.3 to extend the benefit of the Government Resolution dated 15th June, 1995.

(v) Until the respondent No.3 considers the matter in the light of the Government Resolution dated 15th June, 1995, no adverse order affecting the petitioner's employment shall be passed.

No costs.

(R.M. LODHA, J.)

(R.S. MOHITE, J.)